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STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Sixth Committee

Rapporteur: Ms. Pascaline BOUM (Cameroon)

I. INTRODUCTION

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the fifty-first session of the General Assembly pursuant to Assembly resolution 49/48 of 9 December 1994.

2. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 45th to 47th meetings, on 21, 22 and 26 November 1996. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/51/SR.45-47).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/51/215 and Corr.1 and Add.1).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/51/L.9 AND Rev.1

5. At the 45th meeting, on 21 November, the representative of Sweden, on behalf of Austria, Canada, Chile, Denmark, Finland, Iceland, New Zealand, Norway, Romania, the Russian Federation, Spain and Sweden, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva

Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/51/L.9).

6. At the 47th meeting, on 26 November, the representative of Sweden, on behalf of Austria, Canada, Chile, Denmark, Finland, Iceland, New Zealand, Norway, Romania, the Russian Federation, Spain and Sweden, joined subsequently by Argentina, Australia, Belarus, Bulgaria, Cameroon, Germany, Italy, Liechtenstein, Portugal, the Republic of Korea, the former Yugoslav Republic of Macedonia and Ukraine, introduced a revised draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/51/L.9/Rev.1), which contained the following changes:

(a) The fifth preambular paragraph, which had read:

"Stressing the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law",

was replaced with:

(b) A new operative paragraph 4 was inserted reading:

"4. Calls upon all States Parties to the additional Protocols to ensure their wide dissemination and full implementation";

(c) In operative paragraph 5 (former paragraph 4), the words "preventive measures and of" were deleted.

7. At the same meeting, the Committee adopted revised draft resolution A/C.6/51/L.9/Rev.1 without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992 and 49/48 of 9 December 1994,

Having considered the report of the Secretary-General[1] on the status of the Protocols Additional to the Geneva Conventions of 1949[2] and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Recalling the possibility of making use, in relation to an armed conflict, of the International Fact-Finding Commission pursuant to article 90 of Protocol I,

Stressing the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent was held at Geneva from 4 to 7 December 1995,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. Calls upon all States Parties to the additional Protocols to ensure their wide dissemination and full implementation;

5. Notes with satisfaction that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the Final Declaration of the International Conference for the Protection of War Victims,[3] adopted on

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[1] A/51/215 and Corr.1 and Add.1.

[2] United Nations, Treaty Series, vol. 1125, Nos. 17512 and 17513.

[3] Ibid., vol. 75, Nos. 970-973.

1 September 1993, which reaffirms the necessity of making the implementation of international humanitarian law more effective;

6. Notes that the Twenty-sixth International Conference also endorsed the recommendations elaborated by the Intergovernmental Group of Experts which aim at translating the Final Declaration of the International Conference into concrete measures, including the recommendation that the Depositary of the Geneva Conventions of 1949 organize periodic meetings of States parties to these Conventions to consider general problems regarding the application of international humanitarian law;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the status of the additional Protocols based on information received from Member States;

8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".